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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,728	10/22/2003	Joseph J Davis JR.	Lear04001	2727

23688 7590 04/27/2004

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EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/605,728	Applicant(s) DAVIS, JOSEPH J	
	Examiner Stephen Gordon	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-8 and 10-20 is/are rejected.
- 7) ☒ Claim(s) 1, 5 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>0404</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10-22-03</u> . | 6) <input type="checkbox"/> Other: _____.  |

1. The drawings are objected to because the two top-most labels "32" on figure 3 should each apparently be ~~33~~—(see paragraph 25 of the instant specification). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The disclosure is objected to because of the following informalities: line 2 of paragraph 21 is awkward. "invention Figure 4 show" should apparently be ~~invention. Figure 4 shows--~~. Additionally, "Figure 4..." of the term should begin a new/separate paragraph. Additionally, in paragraph 23 – line 2, "21" should be ~~102~~—. In paragraph 29, the term "Norel" is a tradename and should be in all capital letters (i.e. "NOREL"). Finally, the term "IP retainer" used throughout the specification (8 places total) is objected to and should be written as ~~instrument panel retainer~~—at each occurrence as discussed with applicant's attorney and detailed in the attached interview summary.

Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recitation regarding the compression of the spring (i.e. 30% and 50% at the recited positions) in both claims 10 and 20 is not supported in the instant specification body and language to such effect should be included therein.

4. Claims 1-20 are objected to because of the following informalities:  
The term "IP retainer" used throughout the claims (6 places total, claims 1, 7, 8, 11, 17, and 18) is objected to and should be written as ~~instrument panel retainer~~—at each

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occurrence as discussed with applicant's attorney and detailed in the attached interview summary. Finally, line 7 of claim 1 is slightly awkward, and —a—could be inserted after “comprising” to correct the claim in this regard.

Appropriate correction is required.

5. Claims 2, 6, 12, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “and combinations thereof” at the end of each of these claims is indefinite and should be deleted. Moreover, the infinite number of possible combinations potentially encompassed by this phrase is not clearly supported in the instant specification. For example, could a portion of the cam lock be made of multiple materials? How would such a part be manufactured?? etc.

6. Claims 2-4, 6-8, and 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, the phrase “and combinations thereof” at the end of the claim is indefinite as discussed above regarding the section 112 –first paragraph rejection and should be deleted. Additionally, use of a tradename (i.e. “Norel”) in the claim is improper and should be avoided. If applicant were to replace the term “consisting of” in lines 2-3 with —comprising but not limited to—and delete the

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term “Norel”, the claim would be corrected in this regard, and the claim would provide the same coverage apparently desired by applicant.

Re claim 3, line 2 is somewhat confusing, and “a glove” could be replaced with –said glove—to correct the claim in this regard.

Re claim 4, line 2 is somewhat confusing, and “a glove” could be replaced with –said glove—to correct the claim in this regard.

Re claim 6, the phrase “and combinations thereof” at the end of the claim is indefinite as discussed above regarding the section 112 –first paragraph rejection and should be deleted. Additionally, use of a tradename (i.e. “Norel”) in the claim is improper and should be avoided. If applicant were to replace the term “consisting of” in line 3 with –comprising but not limited to—and delete the term “Norel”, the claim would be corrected in this regard, and the claim would provide the same coverage apparently desired by applicant.

Re claim 7, line 2 is somewhat confusing, and “of an” could be replaced with –of said—to correct the claim in this regard.

Re claim 8, line 2 is somewhat confusing, and “to an” could be replaced with –to said—to correct the claim in this regard.

Re claim 10, lines 2 and 3 are somewhat confusing. If “its” in line 2 and “its” in line 3 were replaced with –a—and –said—respectively, the claim would be clear in this regard.

Re claim 11, “the cam” in line 9 lacks clear antecedent basis and should apparently be –the cam lobe—. Additionally it is noted, line 7 is somewhat

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awkward, and —a—could be inserted after “comprising” to correct the claim in this regard.

Re claim 12, the phrase “and combinations thereof” at the end of the claim is indefinite as discussed above regarding the section 112 —first paragraph rejection and should be deleted. Additionally, use of a tradename (i.e. “Norel”) in the claim is improper and should be avoided. If applicant were to replace the term “consisting of” in line 3 with —comprising but not limited to—and delete the term “Norel”, the claim would be corrected in this regard, and the claim would provide the same coverage apparently desired by applicant.

Re claim 13, line 2 is somewhat confusing, and “a glove” could be replaced with —said glove—to correct the claim in this regard.

Re claim 14, line 2 is somewhat confusing, and “a glove” could be replaced with —said glove—to correct the claim in this regard.

Re claim 16, the phrase “and combinations thereof” at the end of the claim is indefinite as discussed above regarding the section 112 —first paragraph rejection and should be deleted. Additionally, use of a tradename (i.e. “Norel”) in the claim is improper and should be avoided. If applicant were to replace the term “consisting of” in line 3 with —comprising but not limited to—and delete the term “Norel”, the claim would be corrected in this regard, and the claim would provide the same coverage apparently desired by applicant.

Re claim 17, line 2 is somewhat confusing, and “of an” could be replaced with —of said—to correct the claim in this regard.

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Re claim 18, line 2 is somewhat confusing, and "to an" could be replaced with –to said—to correct the claim in this regard.

Re claim 20, lines 2 and 3 are somewhat confusing. If "its" in line 2 and "its" in line 3 were replaced with –a—and –said—respectively, the claim would be clear in this regard.

7. Claims 3-4, 7-8, 10-11, 13-15, and 17-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
8. Claims 2, 6, 12, and 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraph, set forth in this Office action.
9. Claims 1, 5, and 9 are objected to for the minor informalities noted above but are otherwise allowable.
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Bittinger et al teaches a damping device for a glove box.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Stephen Gordon", with a date "4-22-04" written to the right of the signature.

Stephen Gordon  
Primary Examiner  
Art Unit 3612

stg